

**REMARKS**

Claims 1-3 and 5-8 are pending in the subject application. By the above amendments, claims 1-3 have been amended, and claims 4 and 9-15 have been canceled. Favorable reconsideration of the application and allowance of all of the pending claims are respectfully requested in view of the above amendments and the following remarks.

Applicant previously responded to the Office Action of September 12, 2006 by electing without traverse Invention I to which claims 1-8 and 13-15 were drawn.

However, the Examiner further requires Applicant to elect between eight species listed in the Office Action. Accordingly, Applicant hereby elects with traverse “species (1)” directed to first and second masks with semitransparent layers. Applicant notes that, as amended, all of pending claims 1-3 and 5-8 are generic to all alleged species. In particular, claim 1 requires that the first and second mask layers be either semitransparent or nontransparent, and none of the dependent claims specifies between semitransparent and nontransparent; thus, all claims are generic with respect to the degree of transparency. Claims 1 and 5-8 do not mention (and are therefore not limited to) any particular type of phase shift mask (PSM); thus, these claims are inherently generic with respect to the trimming/chromeless/alternating PSM species defined by the Examiner. Likewise, dependent claims 2 and 3 have been amended to be generic to all four PSM species defined by the Examiner. Thus, all of the pending claims are generic to all of the alleged species defined by the Examiner, and Applicant requests examination of these claims. Applicant traverses this election of species requirement on the basis that the election of species requirement is unnecessary in the present circumstances, particularly with regard to the degree of transparency of the layers, since all of the original claims were plainly generic with respect to semi/non-transparency. In any event, the above amendments make the election of species requirement moot.

**Amendment and Supplemental Response to Restriction**  
**U.S. Patent Application No. 10/791,763**  
**Page 5**

In addition, Applicant expressly reserves the right to file continuation or divisional applications on the non-elected claims. Applicant hereby petitions for any extension of time which may be necessary to maintain the pendency of this application, and any fee for such extension is to be charged to Deposit Account No. 05-0460.

Respectfully submitted,

/PJF/

Patrick J. Finnan  
Registration No. 39,189

EDELL, SHAPIRO & FINNAN, LLC  
1901 Research Boulevard, Suite 400  
Rockville, Maryland 20850-3164  
(301) 424-3640

Electronically Filed: December 19, 2006